

SOUTH SUDAN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of South Sudan is a republic operating under a transitional government formed according to the terms of peace agreements signed in August 2015 and September 2018. President Salva Kiir Mayardit, whose authority derives from his 2010 election as president of what was then the semiautonomous region of Southern Sudan within the Republic of Sudan, is chief of state and head of government. International observers considered the 2011 referendum on South Sudanese self-determination, in which 98 percent of voters chose to separate from Sudan, to be free and fair. Since then all government positions have been appointed rather than elected.

The South Sudan National Police Service, under the Ministry of Interior, is responsible for law enforcement and maintenance of order. The South Sudanese People's Defense Forces are responsible for providing security throughout the country and ostensibly operate under the Ministry of Defense and Veterans' Affairs. The Internal Security Bureau of the National Security Service, under the Ministry of National Security, has arrest authority for cases connected to national security but operated beyond its legal authority. Numerous irregular forces, including militias operated by the National Security Service and proxy forces, operated in the country with official knowledge. Civilian authorities routinely failed to maintain effective control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: extrajudicial killings, forced disappearances, torture and cases of cruel, inhuman, and degrading treatment or punishment by security forces, opposition forces, armed militias affiliated with the government and the opposition, and ethnically based groups; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; politically motivated reprisal against individuals in other countries, including killings, kidnappings, or violence; serious problems with judicial independence; arbitrary or unlawful interference with privacy; serious abuses in an internal conflict, including unlawful killing of civilians, enforced disappearances or

abductions, torture and physical abuses or punishment, unlawful recruitment or use of child soldiers, mass forced displacement, widespread sexual and gender-based violence, and use of food as a weapon of war; serious restrictions on free expression and the press, including violence against and intimidation and detention of journalists, closure of media houses, censorship, and site blocking; serious restrictions on internet freedom; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government corruption; serious government restrictions on or harassment of domestic and international human rights organizations; lack of investigation and accountability for gender-based violence; trafficking in persons; crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; the existence of laws criminalizing consensual same-sex sexual conduct between adults; and existence of the worst forms of child labor.

Security force abuses occurred throughout the country. Despite isolated examples of prosecution for these crimes, impunity remained widespread. The government also failed to take steps to identify, investigate, prosecute, and punish officials who engaged in corruption.

Nongovernment armed groups, including the forces of peace agreement signatories and other opposition armed groups alike, perpetrated serious human rights abuses, which, according to the United Nations, included unlawful killings, abduction, rape, sexual slavery, and forced recruitment of children and adults into combat and noncombat roles.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

The United Nations, international cease-fire monitors, human rights organizations, and media reported the government, or its agents, committed numerous arbitrary or unlawful killings. Security forces, opposition forces, armed militias affiliated with

the government and the opposition, and ethnically based groups were responsible for widespread extrajudicial killings. The term “unknown gunmen” was often used to describe groups affiliated with the National Security Service (NSS) or other security services. The security services investigated alleged abuses by members of their respective forces, although impunity remained a problem and prosecutions infrequent.

On March 22, the EU imposed sanctions on Major General Moses Lokujo for the abduction and execution of three opposition officers and for attacking opposition forces at a training center in Central Equatoria. The UN Panel of Experts verified forces under Lokujo’s command committed serious abuses of human rights and international humanitarian law, including extrajudicial killings, rape, and other types of gender-based violence.

There were reports of deaths from torture at NSS facilities (see section 1.c.).

On March 27, armed gunmen believed by the Sudan People’s Liberation Movement in Opposition (SPLM-IO) to be Padang Dinka militia linked to the deputy governor of Upper Nile State, fired upon a group of largely Nuer and Shilluk civilians waiting to greet the governor in Malakal. At least 12 persons died in the attack.

In July, Human Rights Watch documented summary executions of at least eight suspected criminals, including two children, as part of an anticrime campaign led by the governor of Warrap State. Between April and June, on the governor’s orders, security forces executed at least 21 persons accused of murder, theft, and other offenses. None of the victims was formally charged or brought before a court.

The UN Mission in South Sudan (UNMISS) Human Rights Division reported 14 incidents of extrajudicial killings in Warrap State, resulting in the execution of 29 men, including boys and elderly men. State officials in Cueibet and Rumbek East counties in Lakes State ordered the arbitrary execution of 13 persons in June and July. Local officials continued to defend extrajudicial executions as a form of deterrence in the absence of rule-of-law institutions.

In February the UN Commission on Human Rights in South Sudan reported

government disarmament forces, consisting of several security agencies, used heavy weaponry (machine guns and rocket-propelled grenades) against civilians, killing 85, during a dispute in Tonj East County, Warrap State, in August 2020.

b. Disappearance

Security and opposition forces, armed militias affiliated with the government or the opposition, and ethnically based groups abducted an unknown number of persons, including women and children (see section 1.g.).

The local nongovernmental organization (NGO) Remembering the Ones We Lost documented the names of 13,000 persons missing since the conflict began in 2013, many of whom were abducted or detained by security forces. In 2020 the International Committee of the Red Cross reported 5,000 persons were missing and their whereabouts unknown since the conflict began.

The government did not comply with measures to ensure accountability for disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although prohibited under law, security forces mutilated, tortured, beat, and harassed political opponents, journalists, and human rights workers (see sections 2.a. and 5). Government and opposition forces, armed militia groups affiliated with both, and warring ethnic groups committed torture and abuses in conflict zones (see section 1.g.).

According to the UN Security Council Panel of Experts and several independent human rights advocates, the NSS Operations Division maintained at least three facilities where it detained, interrogated, and sometimes tortured civilians. Several detainees died because of torture or from other conditions at NSS facilities. Most NSS facilities were not publicly known. There were numerous reported abuses at NSS-run sites, including gender-based violence, beating and torture of detainees, and harassment and intimidation of human rights defenders and humanitarian workers. Human Rights Watch, the United Nations, and other organizations documented cases of torture and other mistreatment during arrest and while in NSS

custody. Detainees described being beaten with sticks, whips, pipes, and wires; subjected to electric shocks; burned with melted plastic; raped; and subjected to other forms of sexual violence. The Panel of Experts also alleged the existence of secret, unofficial detention centers operated by the NSS. The Panel of Experts reported allegations of torture, including electrical shocks, and beatings in these sites.

Impunity within the security services remained a serious problem. Although the NSS created an internal disciplinary tribunal to conduct internal investigations of alleged abuses by its members, the results of such investigations and any disciplinary actions taken were not made public. Members of the army and police were investigated for misconduct. Civilian courts in Warrap and Western Bahr el-Ghazal States convicted two South Sudan National Police Service (SSNPS) personnel and one South Sudan People's Defense Forces (SSPDF) member of conflict-related sexual violence against minors (see section 1.g.).

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening. Overcrowding and inadequate medical care at times resulted in illness and death. There were reports of abuse by prison guards.

Physical Conditions: Men and women were generally held in separate areas, but male and female inmates at times mixed freely during the day due to space constraints. Due to overcrowding and a lack of facilities and staff, authorities did not always hold juveniles separately from adults and rarely separated pretrial detainees from convicted prisoners. Children, especially infants, often lived with their mothers in prison.

Nonviolent offenders were kept with violent offenders due to spatial constraints. There were no psychiatric treatment facilities in the country. Persons with mental disabilities, following referral by the court, family, or the community, were incarcerated and remained in detention without treatment for undetermined periods. In November local media reported one prisoner hacked two other prisoners to death.

Health care and sanitation were inadequate. Basic medical supplies and equipment

were lacking. According to NGOs, prisoners received one meal per day of low nutritional value and relied on family or friends for additional food. Potable water was limited. In some locations prisoners slept in overcrowded open hallways and buildings lined with bunk beds. In August the national prison administration reported it held more than 8,400 detainees. There were no data on the capacity of prison facilities, although during the year Juba Central Prison held more than 1,900 detainees in a facility constructed for 400 persons. Ventilation and lighting were inadequate.

Malnutrition decreased in comparison with previous years, although access to adequate nutrition remained a concern. Prison authorities took remedial actions but did not implement sustainable solutions.

Local traditional or state authorities controlled some detention centers, and conditions in those centers were uniformly harsh and life threatening. Many facilities in rural areas consisted of uncovered spaces where authorities chained detainees to a wall, fence, or tree, often unsheltered from the sun. As with state-run prisons, sanitary and medical facilities were poor or nonexistent, and potable water was limited. Detainees usually spent days outdoors but slept inside in areas that lacked adequate ventilation and lighting. On November 1, an inmate serving a three-year jail term for murder in Twic County, Warrap State, killed two prisoners using an axe; prison guards subsequently shot and killed the inmate.

Conditions in SSPDF-run detention facilities were similar, and in some cases worse, with many detainees held outdoors with poor access to sanitary or medical facilities.

UNMISS maintained facilities at the Malakal Protection of Civilian (POC) site to hold internally displaced persons (IDPs) who were criminal suspects. Authorities did not intend the holding facilities to house IDPs for more than 72 hours, but they sometimes held IDP suspects longer due to delays in determining how to treat individual cases, due to the inability to reintroduce offenders into POC sites because of threats from their alleged victims, or due to the alleged threat the offender posed to the greater community. UNMISS observed prisoners daily and offered access to medical treatment. Prisoners received food twice a day. Some prisoners detained by UNMISS were subsequently turned over to the custody of

the government following an individual risk assessment. UNMISS reported the number of admissions to the Malakal holding facility decreased during the year due to efforts to expedite the referral of serious security incidents to national authorities or community-based resolution mechanisms.

The NSS operated a detention facility in Juba that held civilian prisoners (see section 1.d.).

Administration: The SSNPS allowed prisoners to submit complaints to judicial authorities without censorship and to request investigation of allegations of inhuman conditions. Prison authorities sometimes investigated such allegations, although they seldom acted on complaints. The SSNPS allowed prisoners access to visitors and permitted them to take part in religious observances, but NSS and SSPDF authorities were less likely to do so; prisoners in SSNPS custody, but originally arrested by the NSS or SSPDF, had limited access to visitors.

Independent Monitoring: The SSNPS and National Prison Service of South Sudan permitted visits to police and prison detention facilities by independent human rights observers, including UNMISS Rule of Law and human rights officers, nongovernmental observers, international organizations, and journalists. Authorities sometimes permitted monitors to visit military detention facilities operated by the SSPDF. International monitors were denied permission to visit facilities operated by the NSS, which held both military prisoners and civilians without legal authority.

d. Arbitrary Arrest or Detention

The transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention, but there were no known cases where an appellant successfully sought compensation for wrongful detention.

On September 30, the NSS detained Oxfam International's country director Adil al-Mahi, a Sudanese national, without charges. While detained, he was without legal counsel or consular visitation. The NSS provided him with medical care, food, and water. Several days later they released and deported him without

charges or explanations for the detention. From the beginning of the civil war in 2013, there were regular reports that security forces conducted arbitrary arrests, including of journalists, civil society actors, and supposed political opponents. While not legally vested with the authority, the SSPDF often arrested or detained civilians. The NSS routinely detained civilians without warrants or court orders and held detainees for long periods without charge or access to legal counsel or visitors. Security services rarely reported such arrests to police, other civilian authorities, or, in the case of foreigners arrested, diplomatic missions. NSS detainees were rarely brought before a court to be charged. Police routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

Arrest Procedures and Treatment of Detainees

While the law requires police to present arrested persons before a public prosecutor, magistrate, or court within 24 hours, judges assigned to statutory courts were not always present and poor coordination with other justice actors contributed to case backlogs. Court dockets often were overwhelmed, and cases faced long delays before coming before a judge. Police may detain individuals for 24 hours without charge. A public prosecutor may authorize an extension of up to one week, and a magistrate may authorize extensions of up to two weeks. Authorities did not always inform detainees of charges against them and regularly held them past the statutory limit without explanation. Police sometimes ignored court orders to take arrested persons before the court. Police, prosecutors, defense lawyers, and judges were often unaware of the statutory requirement that detainees appear before a judge as quickly as possible. UNMISS reported cases taking months or even years to be brought to court. In Jonglei State, UNMISS estimated more than 3,000 civil and criminal cases were pending in courts.

Police commonly conducted arrests without warrants, and warrants were often irregular, handwritten documents. Warrants were commonly drafted in the absence of investigation or evidence. There were multiple reports of arrests, including of foreigners, in civil cases, where a complainant exerted influence upon police to arrest someone as a negotiation tactic. The government routinely failed to notify embassies when detaining citizens of other countries, even when the

detainee requested a consular visit.

According to Human Rights Watch, the NSS effectively operated outside the law and without proper legal authority. Detainees were held at sites not designated as detention facilities under the law. They did not conduct arrests based on warrants or court orders and routinely held detainees for long periods without charge and without access to lawyers or visitors. Detention periods lasted from hours to years.

The law allows bail, but this provision was widely unknown or ignored by authorities, and they rarely informed detainees of this possibility. Because pretrial appearances before judges often were delayed far past statutory limits, authorities rarely had the opportunity to adjudicate bail requests before trial. Those arrested had a right to an attorney, but the country had few lawyers, and detainees were rarely informed of this right. The transitional constitution mandates access to legal representation without charge for the indigent, but defendants rarely received legal assistance if they did not pay for it. Authorities sometimes held detainees incommunicado.

Arbitrary Arrest: Security forces arbitrarily arrested opposition leaders, civil society activists, businesspersons, journalists, and other civilians due to possible affiliation with opposition forces. The SSPDF and NSS often abused political opponents and others they detained without charge. Ignorance of the law and proper procedures led to many arbitrary detentions. Many justice-sector actors, including police and judges, operated under a victim-centric approach that prioritized restitution and satisfaction for victims of crime, rather than following legal procedure. This approach led to many arbitrary arrests of citizens who were simply in the vicinity when crimes occurred, were of a certain ethnicity, or were relatives of suspects. For example, there were numerous reports women were detained when their husbands, accused of having unpaid debts, could not be located.

There were numerous reported arbitrary arrests or detentions. On May 5, the NSS detained civil society leader David Garang Goch after he accused Jonglei State authorities of selling food donated to flood victims. Garang was charged with

defamation and released on bail.

On August 2, Kuel Aguer Kuel, the former governor of Northern Bahr el Ghazal State, was arrested after signing a People's Coalition for Civil Action declaration. The group's declaration called for protests leading to a transfer of power. As of mid-November, Kuel had not been charged and remained in NSS detention, reportedly in poor health.

Also on August 2, the NSS detained two employees of the think tank the Sudd Institute in response to the People's Coalition for Civil Action declaration. The NSS interrogated the staff concerning the institute's managing director who signed the declaration and went into hiding. The NSS locked the offices, although the staff were released the same day. On November 19, the government reopened the institute.

In August military intelligence arrested four men, including a local bishop, in Yei, Central Equatoria. The men were accused of treason and detained without charge until late October when they were released. Reportedly after being released, one of the four wrote a Facebook post complaining about their detention. Subsequently, military intelligence summoned him, ordered him not to leave Yei, and informed him that he would be subject to surveillance for three months. Media reported that the bishop retired from his official duties in early November.

Pretrial Detention: Lengthy pretrial detention was a problem, due largely to the lack of lawyers and judges; the difficulty of locating witnesses; misunderstanding of constitutional and legal requirements by police, prosecutors, and judges; and the absence of a strong mechanism to compel witness attendance in court. The length of pretrial detention commonly equaled or exceeded the sentence for the alleged crime. Estimates of the number of pretrial detainees ranged from one-third to two-thirds of the prison population. The chronic lack of access to law enforcement officers and the judicial system became even more severe as armed conflict displaced officials (see section 1.g.).

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees had very little ability to challenge the lawfulness of their detention

before a court or magistrate, despite having the right to do so under the law.

e. Denial of Fair Public Trial

The transitional constitution provides for an independent judiciary and recognizes customary law. The government did not generally respect judicial independence and impartiality. While the law requires the government to maintain courts at federal, state, and county levels, lack of infrastructure and trained personnel made this impossible, and few statutory courts existed below the state level. The formal justice sector remained weak and concentrated in a few urban centers.

In many communities, customary courts remained the principal providers of judicial services. Customary courts maintained primary authority to adjudicate most criminal cases other than murder. Customary courts may deal with certain aspects of murder cases if judges remit the cases to them to process under traditional procedures and determine compensation according to the customs of the persons concerned. If this happens, the judge may sentence an individual convicted of murder to no more than 10 years' imprisonment. Government courts heard cases of violent crime and acted as appellate courts for verdicts issued by customary bodies. Legal systems employed by customary courts varied, with most emphasizing restorative dispute resolution and some borrowing elements of sharia (Islamic law). Government sources estimated customary courts handled 80 percent of all cases due to the capacity limitations of statutory courts.

Between February and July, the United Nations supported joint special mobile courts with South Sudanese personnel to adjudicate serious crimes and mitigate cattle migration-related violence in Western Bahr el-Ghazal and Warrap States, and localized courts in Warrap and Lakes States. These courts often included traditional leaders and addressed compensation claims according to local customs. During the year the United Nations continued to support mobile courts, trying rape, robbery, and assault cases among others. Mobile courts deployed across the greater Equatoria and greater Upper Nile regions. Separately, UNMISS worked with the SSPDF Military Justice Directorate to deploy courts-martial and enhance the capacity of judge advocates in adjudicating cases of gender-based violence.

Political pressure, corruption, discrimination toward women, and the lack of a

competent investigative police service undermined both statutory and customary courts. Patronage priorities or political allegiances of traditional elders or chiefs commonly influenced verdicts in customary courts. Despite numerous pressures, some judges appeared to operate independently on low-profile cases.

Trial Procedures

The transitional constitution provides for the right to a fair and public trial, but the government frequently did not enforce this right.

Under the transitional constitution defendants are presumed innocent and have the right to be informed promptly and in detail of charges (with free interpretation as necessary), tried fairly and publicly without undue delay, be present at any criminal trial against them, seek appeal, confront witnesses against them, present witnesses and evidence, not be compelled to incriminate themselves, and to legal counsel.

Despite these protections law enforcement officers and statutory and customary court authorities commonly presumed suspects' guilt, and suspects faced serious infringements of their rights. Free interpretation was rarely offered, and when it was, it was of low quality. Most detainees were not promptly informed of the charges against them. Prolonged detentions often occurred, and defendants generally did not have adequate access to facilities to prepare a defense. While court dates were set without regard for providing adequate time to prepare a defense, long remands often meant detainees with access to a lawyer had sufficient time to prepare. Magistrates frequently compelled defendants to testify, and the absence of lawyers at many judicial proceedings often left defendants without recourse.

Public trials were the norm both in customary courts, which usually took place outdoors, and in statutory courts. Some high-level court officials opposed media access to courts and asserted media should not comment on pending cases. The right to be present at trial and to confront witnesses was sometimes respected, but in statutory courts, the difficulty of summoning witnesses often precluded exercise of these rights. No government legal aid structure existed.

Defendants did not necessarily have access to counsel or the right of appeal, and

discrimination against women was common.

Defendants accused of crimes against the state were usually denied these rights.

Political Prisoners and Detainees

There were reports of political prisoners and detainees held by authorities from a few hours to a few days or weeks prior to release, usually without charge. The number of political prisoners was unknown. One notable case was that of Kuel Aguer Kuel, detained by security forces on August 1 for having signed a letter calling for peaceful protests to force President Kiir to leave office. Kuel remained in detention as of year's end.

Politically Motivated Reprisal against Individuals Located Outside the Country

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: There were credible reports in recent years of killed, kidnapped, and forcibly returned persons in other countries for purposes of politically motivated reprisal, and individuals continued to receive threats of violence during the year. Civil society reported that South Sudanese intelligence officials were active in neighboring countries and harassed critics there.

Threats, Harassment, Surveillance, and Coercion: There were credible reports the government continued to target specific individuals for politically motivated reprisal outside the country, including in Kenya and Uganda. In March the NGO Frontline Defenders documented 14 cases of South Sudanese human rights defenders in exile subject to harassment, surveillance, and intimidation, most often from the NSS.

Civil Judicial Procedures and Remedies

Statutory and customary courts provided the only options for those seeking to submit civil claims to address human rights abuses, and these claims were subject

to the same limitations that affected the justice sector in general.

Property Seizure and Restitution

The government rarely provided proportionate and timely restitution for the government's confiscation of property. Human rights organizations documented instances of government forces systematically looting abandoned property in conflict areas where the population was perceived to be antigovernment.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The transitional constitution prohibits interference with private life, family, home, and correspondence, but the law does not provide for the right to privacy.

Authorities, however, reportedly violated these prohibitions. To induce suspects to surrender, officials at times held family members in detention centers. The law gives the NSS sweeping powers outside the constitutional mandate of arrest, detention, surveillance, search, and seizure. The NSS utilized surveillance tools, at times requiring telecommunications companies to hand over user data that could be used to tap telephone numbers or make arrests. The NSS monitored social media posts. Widespread surveillance led many human rights defenders to avoid discussing sensitive topics over the telephone. A February report by Amnesty International quoted one activist saying, "In South Sudan, they know if you are a human rights person, they might not follow you today, not arrest you now, but they can be following your phone conversation, can be checking on your phone every now and then and one day they will turn against you." The NSS carried out physical surveillance and embedded agents in organizations and media houses and at events. Some individuals were subject to physical and telephonic surveillance prior to arrest and detention without warrants, with such surveillance continuing after detainees were released.

g. Conflict-related Abuses

According to the United Nations and international NGOs, security forces, opposition forces, armed militias affiliated with the government and the opposition, nonsignatories to the peace agreement, and civilians were responsible

for a significant range of conflict-related abuses around the country. Government and opposition forces harassed civilians and looted and destroyed property during military operations against the National Salvation Front. Government soldiers reportedly engaged in acts of collective punishment and revenge killings against civilians assumed to be opposition supporters, often based on their ethnicity. For example, in March unknown Nuer gunmen killed two government soldiers, triggering revenge attacks in which the SSPDF attacked at least three Nuer villages and overran an opposition military base. In February 2020 the UN Commission on Human Rights in South Sudan reported on a pattern of deliberately targeting civilians based on their ethnic identity, including obstruction of humanitarian aid, and concluded government forces were responsible for acts that may constitute war crimes and crimes against humanity. This pattern continued during the year, most noticeably in Tambura, Western Equatoria State. Atrocities included unlawful killings, rape and gang rape employed as a weapon of war, arbitrary detention, torture, forced disappearances, explosive remnants of war causing further harm, forced displacement, the mass destruction of homes and personal property, widespread looting, and use of child soldiers. The UNMISS Human Rights Division documented more than 1,200 incidents of killing, injury, abduction, and conflict-related sexual violence in 2020 (see also sections 2.e., Internally Displaced Persons, and section 2.f., Protection of Refugees).

Killings: Government forces and armed militias affiliated with the government, frequently prompted by opposition ambushes of government soldiers, engaged in a pattern of collective punishment of civilians perceived to be opposition supporters, often based on ethnicity. According to the UNMISS Human Rights Division, more than 2,420 civilians were killed in 2020, usually by community militias and civilian defense groups, but in some cases by organized forces. Between December 2020 and January, fighting in Maban County, Upper Nile, between government and opposition forces (involving local civilian militias) resulted in the deaths of dozens of civilians and the displacement of thousands, some of whom fled across the border to Ethiopia. In February, 3,000 Jikany Nuer militiamen with ties to the SPLM-IO attacked communities in Akoka County, Upper Nile, killed dozens of civilians, burned and looted villages, and displaced thousands.

UN agencies and international NGOs that interviewed victims reported widespread

killings, mutilations, and sexual violence, disproportionately committed by government forces but also by the National Salvation Front.

Remnants of war led to the killing and maiming of civilians. Military items such as grenades were often left behind in schools used by government and opposition forces and by armed actors affiliated with both.

Abductions: The United Nations and international NGOs reported multiple accounts of government soldiers or other security service members arbitrarily detaining or arresting civilians, sometimes leading to unlawful killings. The UNMISS Human Rights Division reported an increase in abductions for the purpose of forced military recruitment or forced labor. As of mid-September, a project led by the Office of the UN High Commissioner for Human Rights resulted in the release of 100 abductees.

In August and September, the United Nations and NGOs reported forced recruitment by both government and opposition forces in Rubkona and Bentiu towns in Unity State and in the Bentiu Internally Displaced Persons camp.

Armed groups and militias committed abductions for ransom, particularly in the Greater Equatoria region. In February armed men stopped a truck on the Juba-Yei Road, abducted five men and four women, and demanded a ransom of 13 million South Sudanese Pounds (\$47,100).

Physical Abuse, Punishment, and Torture: Government forces, opposition forces, other armed groups and armed militias affiliated with the government and the opposition tortured, raped, and otherwise abused civilians in conflict areas. Gender-based violence, including rape, gang rape, sexual slavery, and forced marriage, was a common tactic of conflict employed by all parties.

Child Soldiers: The cease-fire largely held during the year and reduced the forced or voluntary recruitment of soldiers, including child soldiers. Nevertheless, there were reports government and nongovernment forces continued to recruit forcibly and use child soldiers. During 2020 the South Sudan Country Task Force on Monitoring and Reporting verified violations affecting 154 children. Girls younger than age 18 were recruited to wash, cook, and clean for government and opposition forces. Sudanese refugee women and girls were also forced to wash, cook, and

clean for armed Sudan People's Liberation Movement-North (SPLM-N) elements who were present in refugee camps in Maban, Upper Nile State. The government, which has responsibility for the safety and security of refugee camps in its territory, failed to stop the SPLM-N's forced conscription in Maban-based refugee camps.

In February the UN Commission on Human Rights in South Sudan reported that county commissioners and local chiefs in Warrap systematically organized the recruitment and use of children for the NSS and the SSPDF through recruitment drives. In some cases commissioners extorted cattle from families who were unable to provide a fighting-age man. The commission noted a similar pattern in which SSPDF commanders and local chiefs recruited families to provide at least one family member. If no men were available, boys were sought instead.

During the year UNICEF worked with the SSPDF and opposition forces to organize the demobilization of child soldiers in several instances across the country. According to UNMISS, more than 250 child soldiers were released by armed groups in 2019. The National Disarmament, Demobilization, and Reintegration Commission and its constituent members reported the release of 54 children from armed groups during the first six months of 2020.

The 2018 peace agreement mandated specialized international agencies work with all warring parties to demobilize and reintegrate child soldiers from the SSPDF, the Sudan People's Liberation Army In-Opposition (SPLA-IO), elements of the South Sudan Opposition Alliance, the Nuer White Army, and other groups, usually those involved in community defense. There were reports of child-soldier recruitment associated with the cantonment, registration, and screening process under the peace agreement.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Other Conflict-related Abuse: Throughout the year the environment for humanitarian operations remained difficult and dangerous, although the cease-fire contributed to improved access and safety in most areas. Armed actors, including government, opposition forces, and other armed groups continued to restrict the

ability of the United Nations, other international organizations, and NGOs to deliver humanitarian assistance safely and effectively to populations in need. Access was impeded by direct denials, bureaucratic barriers, occupation of humanitarian spaces including education centers, and renewed fighting in areas of the country where humanitarian needs were highest. Despite repeated safety assurances, armed elements harassed and killed relief workers, looted, and destroyed humanitarian assets and facilities, and government and rebel authorities imposed bureaucratic and economic impediments on relief organizations. Government, SPLA-IO, National Salvation Front and, in areas close to the Sudanese border, SPLM-N elements continued to occupy civilian structures.

On multiple occasions fighting between government and opposition forces and subnational violence put the safety and security of humanitarian workers at risk, prevented travel, forced the evacuation of relief workers, and jeopardized humanitarian operations, including forcing organizations to suspend life-saving operations entirely in areas of active conflict. Delayed flight safety assurances, insecurity, and movement restrictions often prevented relief workers from traveling to conflict and nonconflict areas. Humanitarian personnel, independently or through the UN Office for the Coordination of Humanitarian Affairs access working group, negotiated with government and SPLA-IO forces as well as other armed groups to address access problems; however, these negotiations were often protracted and caused significant delays in the delivery of assistance.

The humanitarian operating environment remained volatile despite improvements in some areas of the country, and the country remained very dangerous for aid workers. The most common forms of violence against humanitarian workers included robbery and looting, harassment, armed attacks, commandeering of vehicles, and physical detention. On multiple occasions insecurity prevented travel and jeopardized relief operations. In almost all cases, investigations were limited, and perpetrators were not held accountable. In June the United Nations reported that since the start of the conflict in 2013, a total of 128 humanitarian workers had been killed in the country, primarily South Sudanese nationals.

In May a South Sudanese doctor working for an international NGO was killed while on duty inside a health facility in Unity State's Panyjiar County. As of mid-September, local authorities had made little progress in investigating and no one

had been held accountable.

On June 7, gunmen ambushed a humanitarian convoy in Yirol County, Lakes State, killing two humanitarian workers. Despite public statements by Governor Rin Tueny Mabior condemning the attack, there had been no progress towards identifying or apprehending the perpetrators.

Looting of humanitarian compounds and other assets was common. According to humanitarian agencies, looting of food commodities was four times higher than in 2020. For example, in May clashes between armed Gawaar Nuer, Dinka, and Murle in the Greater Pibor Administrative Area (GPAA) led to the looting and burning of a food storage unit in Gumuruk. A primary health-care unit in Gumuruk was also looted, with thousands of dollars of vital medical supplies lost.

In October the GPAA Youth Union threatened violence against humanitarian workers if NGOs operating in the GPAA did not remove all nonlocal South Sudanese staff from the area. On October 5, the United Nations and 14 NGOs complied with their demands, fearing for the safety of their South Sudanese staff who were not from the GPAA. As of November all humanitarian assistance efforts except life-saving aid remained suspended in the GPAA.

Restrictions on humanitarian operations took other forms as well. Authorities operating at Juba International Airport arbitrarily denied humanitarian workers travel permission for a variety of constantly changing reasons, including a lack of work permits, permission from the Ministry of Foreign Affairs, travel approval from the South Sudan Relief and Rehabilitation Commission, or at least six blank pages in their passports. At least one international humanitarian worker was denied entry into South Sudan because the person's COVID-19 test results did not have a stamp. These restrictions were implemented inconsistently, without notice or consultation, prompting confusion regarding the required travel procedures.

Humanitarian organizations experienced delays (some up to six months or more) and denials of tax exemptions and were forced to purchase relief supplies on the local market, raising quality concerns. Government authorities required international NGO staff to pay income taxes and threatened national staff into

paying income tax at the state level.

Continuing conflict and access denial to humanitarian actors contributed to households facing acute food insecurity. It was difficult to accurately gather information and assess some conflict-affected areas due to insecurity and lack of access.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The transitional constitution provides for freedom of expression, including for members of the press and other media. The government and its agents frequently violated these rights in the name of national security, however, and the downward trend in respect for these freedoms continued.

Freedom of Expression: The government regularly attempted to impede criticism by monitoring, intimidating, harassing, arresting, or detaining members of civil society who criticized the government.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: The government maintained strict control of media, both print and electronic. The government suppressed dissenting voices, forcing some civil society organizations and media houses to shut down or flee the country. Government officials or individuals close to the government regularly interfered in the publication of articles and broadcasting of programs, and high-level government officials stated press freedom should not extend to criticism of the government or soliciting views of opposition leaders.

On July 3, the NSS detained Alfred Angasi, a news anchor from the state-owned South Sudan Broadcasting Corporation, for allegedly refusing to read presidential decrees announcing the appointment of some holders of constitutional posts. The journalist was released on July 4, rearrested the following day, and held for two weeks without charge.

Although approval is not required under the 2014 Media Authority Act, the Media

Authority instituted a requirement for organizers to obtain a letter of clearance prior to any media-related event, including press conferences. The accepted practice was for organizers to obtain a letter of clearance and NSS stamp prior to a media event. On August 4, the NSS interrupted and shut down a media stakeholders conference on the permanent constitution drafting process, citing the organizers' failure to obtain a letter of approval from the Media Authority.

Violence and Harassment: Security forces commonly intimidated or detained journalists whose reporting they perceived was unfavorable to the military or government. Security forces confiscated or damaged journalists' equipment and restricted their movements. During the year security forces interrogated, harassed, detained, and imprisoned journalists, and some went into hiding. NSS representatives frequently harassed journalists by detaining them at NSS headquarters or local police stations without formal charges. Journalists and media agencies that reported on news of the opposition could expect questioning, arrest, and possible closure. Journalists in Juba frequently experienced threats and intimidation and routinely practiced self-censorship. On several occasions high-level officials used intimidating language directed toward media outlets and representatives.

There were multiple reports of such abuses. For example, on June 19, police in Rumbek, Lakes State, detained and beat the station manager and three reporters from a local radio station after they went to the police station to cover the story of a local artist accused of defamation. Police also seized their equipment, including cameras and recording devices.

On August 27, the NSS arrested and detained three staff of Radio Jonglei in Bor. The radio station was shut down and staff members' personal communication devices confiscated. Local sources attributed the incident to the radio station's announcement of the People's Coalition for Civil Action planned August 30 "Day of Awakening" demonstrations.

Censorship or Content Restrictions: Most organizations practiced self-censorship to ensure their safety, and authorities regularly censored newspapers, directly reprimanded publishers, and removed articles deemed critical of the government. Many print media outlets reported NSS officers forced the removal

of articles at the printing company (where all newspapers are printed), often leaving a blank spot where the article was originally meant to appear.

The Media Authority continued to advise international journalists not to describe conflict in the country in tribal terms and deemed such references as “hate speech.” The NSS regularly harassed, intimidated, and summoned journalists for questioning. The environment for media workers remained precarious throughout the year.

In August the editor of the newspaper *The Dawn* alleged security services removed articles and a cartoon critical of the president before the newspaper went to press.

Internet Freedom

The government’s South Sudan National Communication Authority frequently blocked access to certain websites, such as two popular news websites, *Radio Tamazuj* and *Sudan Tribune*, and two blogs, *Paanluel Wel* and *Nyamilepedia*, accused of disseminating “nonpeace” messages considered not to be “in the best interest of peace building in this country.” There were credible reports the government monitored private online communications without appropriate legal authority. The government also targeted and intimidated individuals, especially those outside of Juba, who were critical of the government in open online forums and social media.

The internet monitoring body Netblocks reported significant disruption to cellular and some fixed-line internet services in the country on August 29 and 30. The incident coincided with the People’s Coalition for Civil Action planned protests calling for regime change. Netblocks assessed the disruption was consistent with an internet shutdown intended to limit the free flow of information and news coverage.

Academic Freedom and Cultural Events

The government restricted cultural activities and academic workshops. NSS authorization is required for public events, including academic workshops, which particularly affected NGOs and other civic organizations. To obtain permission, the NSS sometimes requested a list of national and international staff members

employed by the organizations and names of participants. Permission was often predicated upon the expectation the NSS would be able to monitor the events.

On July 17, the NSS ordered the cancellation of a civil society event on the country's constitutional history held at a private venue. To justify the cancellation, the NSS stated that only parliament was authorized to speak regarding the constitution.

b. Freedoms of Peaceful Assembly and Association

The government during the year increasingly restricted freedom of peaceful assembly and restricted freedom of association.

Freedom of Peaceful Assembly

The transitional constitution provides for freedom of peaceful assembly, but the government in many cases did not respect this right during the year. Many citizens did not gather for planned demonstrations due to fear of targeted violence. Security officials lacked nonviolent crowd control capabilities and at times fired live ammunition into the air to disperse crowds.

In March police detained 22 persons during protests for better health care and justice after the death of a local musician in Juba. Although all were released without charge within 24 hours, at least three reported being injured by police during their arrest.

Between August 2 and August 30, authorities arrested 14 persons in relation to planned peaceful protests by the People's Coalition for Civil Action, increased surveillance of suspected protesters and organizers, and deployed security forces to obstruct planned protests, according to a statement by Amnesty International.

Freedom of Association

The transitional constitution provides for freedom of association, but the government did not respect this right for those suspected of associating with or having sympathies for opposition figures. Some civil society leaders interpreted a 2012 law as an attempt to suppress opposition to the Sudan People's Liberation

Movement (SPLM) (see section 3).

The NSS and other security actors widely enforced a 2016 law strictly regulating the activity and operations of civil society throughout the year. The law focused particularly on NGOs working in the governance, anticorruption, and human rights fields, and it imposed a range of legal barriers, including limitations on the types of activities in which organizations may engage, onerous registration requirements, and heavy fines for noncompliance. Human rights groups and civil society representatives reported NSS officials continued surveillance and threats against civil society organizations. Civil society organizations reported extensive NSS scrutiny of proposed public events; the NSS reviewed every proposed event and sometimes denied permission, rejected proposed speakers, or disrupted events.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The transitional constitution provides for freedom of internal movement, foreign travel, and repatriation. The transitional constitution does not address emigration.

During the year there were sporadic reports of county commissioners from one party being detained by persons from another political party despite the lack of provision in law for this. Despite multiple pledges from the government to dismantle checkpoints, they remained a common problem. Security forces manning these checkpoints routinely used them as opportunities to charge illegal fees and discriminate against minorities.

In-country Movement: IDPs remained in IDP camps and the remaining UNMISS POC site in Malakal due to fear of retaliatory or ethnically targeted violence by armed groups, both government- and opposition-affiliated. The government often obstructed travel of members of humanitarian organizations seeking to provide protection and assistance to IDPs and refugees. Continuing conflict between government and opposition forces and subnational violence restricted the movement of UN personnel and the delivery of humanitarian aid (see section 1.g.),

as did restrictions due to COVID-19.

Foreign Travel: Individuals, due to arbitrary restrictions, were sometimes prevented from leaving the country.

e. Status and Treatment of Internally Displaced Persons

Significant levels of subnational violence continued, particularly in Lakes, Warrap, and the Greater Equatoria region. The result was sustained mass population displacement, both within the country and into neighboring countries, and high levels of humanitarian and protection needs, which strained the ability of UN and international humanitarian personnel to provide protection and assistance. According to UNMISS, in addition to the 1.7 million persons previously displaced, more than 700,000 individuals were internally displaced because of localized violence and flooding as of November. The increased violence, historic flooding, and food insecurity forced relief actors to delay plans for the safe return and relocation of some IDP populations.

UNMISS continued to provide physical protection to IDPs in the Protection of Civilians site in Malakal. As of September, UN police units recorded 53 incidents of physical violence against individuals in IDP camps in Juba, Wau, Bor, and Bentiu.

According to the UNMISS Human Rights Division and other organizations, violence and simmering ethnic conflict in areas such as Western Equatoria, Jonglei, and Warrap continued to result in dire humanitarian consequences, including significant displacement and serious and systematic human rights abuses, such as the killing of civilians, arbitrary arrests, detentions, looting and destruction of civilian property, torture, forced recruitment, and sexual and gender-based violence.

The government promoted the return and resettlement of IDPs but did not provide a safe environment for returns and often denied humanitarian NGOs or

international organizations access to IDPs.

f. Protection of Refugees

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. Overall, coordination with the government continued across all sectors, including with the Ministry of Interior, Ministry of Education, Ministry of Health, Ministry of Humanitarian Affairs and Disaster Management, and Relief and Rehabilitation Commission. The COVID-19 pandemic further deepened the plight of persons fleeing war, conflict, and repression of vulnerable South Sudanese. According to UNHCR, there were more than 326,000 registered refugees in South Sudan as of November, mostly from neighboring Sudan.

Access to Asylum: The law provides for protection of refugees as well as the granting of asylum and refugee status. The government allowed individuals to access asylum processes, allowed refugees from neighboring countries to settle, and generally did not treat refugees differently from other foreigners. While most refugees in the country were from Sudan, the government also granted asylum to refugees from Ethiopia, the Democratic Republic of the Congo, Eritrea, the Central African Republic, Burundi, and Somalia.

Abuse of Migrants, Refugees, and Stateless Persons: According to UNHCR, refugees sometimes suffered killings and abuse, such as armed attacks, gender-based violence, forced recruitment, including of children, and forced labor. From January to August, UNCHR recorded 53 incidents of rape, assault, and other abuses against refugees in Maban, of which 40 were perpetrated by SPLM-N elements.

Access to Basic Services: While refugees sometimes lacked basic services, this generally reflected a lack of capacity in the country to manage refugee problems rather than government practices that discriminated against refugees. Refugee children had access to elementary education in refugee camps through programs managed by international NGOs and the United Nations. Some schools were shared with children from the host community. In principle, refugees had access to

judiciary services, although a lack of infrastructure and staff meant these resources were often unavailable.

Due to continuing conflict and scarcity of resources, tension existed between refugees and host communities in some areas regarding access to resources.

Durable Solutions: The government accepted refugees and returnees for reintegration. No national procedures were in place to facilitate the provision of identity documents for returnees or the naturalization of refugees beyond procedures that were in place for all citizens and other applicants.

g. Stateless Persons

Citizenship is derived through the right of blood (*jus sanguinis*) if a person has a South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic communities. Individuals also may derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship. While the country had a Nationality Act in place since independence, less than 10 percent of South Sudanese were believed to have obtained national identity documents.

There were no official statistics or estimates on statelessness; however, a survey by UNCHR estimated half a million persons were at risk of statelessness. The Nationality Act does not include any specific provisions for stateless persons, children whose parents are without nationality, or children born in the country who otherwise would be stateless.

According to a 2018 report from the National Dialogue, a government-sponsored initiative, it was more difficult for those from the southern region of Equatoria to rightfully claim citizenship due to discrimination from other tribes, which suspected them of being Ugandans or Congolese. According to UNHCR, certain nomadic pastoralist groups had difficulty accessing application procedures for nationality certification and experienced discrimination according to ethnic group or appearance that required UNHCR's intervention to address matters with the

Directorate of Nationality, Passports, and Immigration.

Section 3. Freedom to Participate in the Political Process

The transitional constitution provides that every citizen has the right to participate in elections in accordance with the constitution and the law. Since the 2011 referendum on South Sudanese self-determination, no elections have been held. Elected officials were arbitrarily removed and others appointed to take their places.

Elections and Political Participation

Recent Elections: Due to intense violence and insecurity starting in 2013, the government postponed elections several times. Since independence, the president fired and appointed local government officials and parliamentarians by decree. In 2015 and again in 2018, the legislature passed amendments to the transitional constitution extending the terms of the president, national legislature, and state assemblies for three years. The peace agreement signed in 2018 allowed for the extension of all terms for a three-year transitional period; by year's end the cabinet approved the drafting of a law on the establishment of the National Constitutional Amendment Committee, which should draft a permanent constitution. The bill had not yet gone to the legislature, nor had the government made the draft public by year's end.

Political Parties and Political Participation: The SPLM enjoyed a near monopoly of power in the government and continued to be the most broadly recognized political entity since the signing of the Comprehensive Peace Agreement in 2005. SPLM membership conferred political and financial advantages, and there was great reluctance by opposition parties to shed the SPLM name. For example, the main opposition party was referred to as the SPLM-IO (in opposition), and most other political parties either were offshoots of the SPLM or affiliated with it. In December 2020, after its integration into the transitional government, the SPLM-IO conducted a widely attended party conference in Juba without restrictions.

The peace agreement signed in 2018 allocated to the government and opposition a certain number of seats in parliament, leadership of ministries, and leadership of

local governments. Members of the reconstituted parliament were appointed by presidential decree, and the parliament opened on August 30.

Opposition parties complained the government periodically harassed party members. A 2012 law mandates specific requirements for political parties that existed in a unified Sudan prior to South Sudan's 2011 independence.

Representatives of the Political Parties Council (an independent body created by law in 2018 to manage political party matters) estimated the requirements affected approximately 25 parties.

An unfavorable environment for media and citizen expression hampered participation in political processes.

Participation of Women and Members of Minority Groups: Women remained poorly represented in the judiciary, local governments, and among traditional leaders. Representation was particularly poor at the local level, where there was little to no implementation of the law's provisions. The system also devolved substantial candidate-selection power to political party leaders, very few of whom were women.

Some observers believed traditional and cultural factors limited women's participation in government. An entrenched culture of discrimination presented a major obstacle to their political participation. Women tended to be discouraged from assuming leadership positions because of the belief that such activities conflicted with their domestic duties. Basic safety and security concerns also limited women's ability to participate in government.

Several ethnic groups remained underrepresented or unrepresented in government. Intercommunal and political violence exacerbated ethnic tensions and the imbalance in national- and state-level political institutions.

The absence of translations of the constitution in Arabic or local languages limited the ability of minority populations to engage meaningfully in political dialogue.

Section 4. Corruption and Lack of Transparency in

Government

The transitional constitution provides for criminal penalties for acts of corruption by officials. The government did not implement the law. Poor recordkeeping, lax accounting procedures, absence of adherence to procurement laws, and a lack of accountability and corrective legislation compounded the problem. There were numerous reports of government corruption during the year.

Corruption: Corruption was endemic in all branches of government. The UN Panel of Experts reported government security forces, including the Internal Security Bureau, gained control of public and natural resources to generate off-budget sources of revenue.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups investigated and published information on human rights cases and intercommunal and political violence, often while facing considerable government resistance. Government officials were rarely cooperative and responsive to their views and were often actively hostile. Reports outlining atrocities exacerbated tensions between the government and international organizations and NGOs. Government and opposition forces often blamed each other or pointed toward militia groups or “criminal” actors.

The United Nations or Other International Bodies: The government sometimes cooperated with representatives of the United Nations and other international organizations. A lack of security guarantees from the government and opposition on many occasions, as well as frequent government violations of the status of forces agreement, including the restriction of movement of UNMISS personnel, constrained UNMISS’s ability to carry out its mandate, which included human rights monitoring and investigations. Security forces generally regarded international organizations with suspicion.

UNMISS and its staff faced harassment and intimidation by the government,

threats against UNMISS premises and POC sites, unlawful arrest and detention, abduction, and restrictions on the importation of goods and equipment. The SSPDF regularly prevented UNMISS from accessing areas of suspected human rights abuses in violation of the status of forces agreement that allows UNMISS access to the entire country. The government did not formally inform UNMISS regarding arrest and detention incidents as required under the status of forces agreement.

There were credible reports during the year that the government harassed and intimidated civil society members cooperating with UN bodies, as well as those who sought to lobby foreign missions to pressure the government to respect civil liberties.

Government Human Rights Bodies: The president appoints members of the South Sudan Human Rights Commission, whose mandate includes education, research, monitoring, and investigation of human rights abuses, either on its own initiative or upon request by victims. International organizations and civil society organizations considered the commission's operations to be generally independent of government influence. The commission cooperated with international human rights advocates and submitted reports and recommendations to the government.

While observers generally regarded the commission to have committed and competent leadership, severe resource constraints prevented it from effectively fulfilling its human rights protection mandate. Salaries and office management accounted for the bulk of its funding, leaving little for monitoring or investigation. The commission has not produced any substantive reporting since 2015.

The National Committee for the Prevention and Punishment of Genocide remained largely inactive.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Conviction of rape is punishable by up to 14 years' imprisonment and a monetary fine. The government did not effectively enforce the law, and rape was widespread. The law defines sexual intercourse

within marriage as “not rape.” No information was available on the number of persons prosecuted, convicted, or punished for rape, and convictions of rape seldom were publicized. According to observers, sentences for persons convicted of rape were often less than the maximum. Rape and other forms of sexual violence remained widespread. Women and girls also faced the threat of rape while living in UN POC sites and IDP camps.

In March a court in Bor sentenced a man to seven years in prison for raping a minor in a rare example of a rape conviction. The perpetrator was also ordered to pay five cows to the victim’s family as compensation under customary law.

In April a mobile court in Malakal convicted an SSPDF soldier for raping a girl and sentenced him to seven years’ imprisonment and ordered him to pay damages of \$1,100 to the survivor.

The law does not prohibit domestic violence. Intimate partner violence against women, including spousal abuse, was common, although there were no reliable statistics on its prevalence. According to NGOs, some women reported that police tried to charge them when they attempted to file criminal complaints of rape or abuse. While not mandatory, police often told women they needed to complete an official report prior to receiving medical treatment. Families of rape survivors encouraged marriage to the rapist to avoid public shaming.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal offense under the law, but few data existed to determine its prevalence, and enforcement was largely nonexistent. The law prohibits subjecting children to negative and harmful practices that affect their health, welfare, and dignity. UNICEF estimated the prevalence of FGM/C at 1 percent among girls and women between the ages of 15 and 49. FGM/C was practiced in both Christian and Muslim communities in the northern regions of the country, including Bahr el Ghazal and Upper Nile. Several NGOs worked to end FGM/C, and the Ministry of Gender, Children, and Social Welfare raised awareness of the dangers of FGM/C through local radio broadcasts.

Other Harmful Traditional Practices: The practice of girl compensation – compensating the family of a crime victim with a girl from the perpetrator’s family

– occurred. Survivors were generally between ages 11 and 15, did not attend school, and often were physically and sexually abused and used as servants by their captors. Local officials complained the absence of security and rule of law in many areas impeded efforts to curb the practice. Harmful dowry practices were also common. NGOs reported fathers often forced daughters, generally minors, to marry older men in exchange for cattle or money.

Sexual Harassment: Conviction of sexual harassment is punishable by up to three years' imprisonment and a fine. The government rarely enforced the law, and NGOs reported most women were unaware it was a punishable offense or feared retribution for reporting it, since women were often blamed for its occurrence. Observers noted sexual harassment, particularly by military and police, was a serious problem throughout the country.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women continued to suffer unprecedented levels of sexual violence, including abduction, rape, and forced marriage. More than half of all girls were married before the age of 18. Data collection continued to be inadequate to provide accurate estimates on most indicators.

According to the UN Population Fund, the country had a modern contraceptive prevalence rate of 1.7 percent among women of reproductive age. Teenage pregnancy was 30 percent among girls between the ages of 15 and 19.

The maternal mortality rate was estimated to be between 789 and 1,150 deaths per 100,000 live births. The high maternal mortality rate was largely due to limited and low-quality medical care, as well as an extremely low rate of skilled birth attendance. More than 80 percent of women delivered at home, assisted by untrained attendants. The lack of access to skilled medical care during pregnancy and childbirth also resulted in maternal death and disability from treatable conditions, such as infection, hemorrhage, and obstructed birth.

Cultural practices and economic barriers further limited reproductive choices. Men who paid dowries often believed they had the right to make reproductive health decisions for their wives and daughters. High illiteracy rates among women

limited their access to accurate information concerning the right to control their fertility. Many individuals did not have access to accurate information, modern contraceptive methods, or family planning services. For persons younger than age 18, permission from family was not required to access nonsurgical reproductive health services, including for contraception. Cultural practices and social stigma, however, often prevented minors from exercising their rights. Women needed to obtain their husbands' consent to access sexual and reproductive health services, such as antenatal care, facility delivery, and family planning.

The country's national health policy and related strategic documents favored sexual and reproductive health, including promotion of access to family planning information and services. Lack of resources, however, hindered implementation. The health sector remained underfunded at less than 2 percent of the national budget. An acute shortage of skilled professionals and nonpayment of staff salaries were the biggest deficiencies in the provision of quality health care. The country faced severe shortages in all categories of trained health professionals, compounded by the COVID-19 pandemic, and maternal health services were often provided by less-skilled health workers. On average, there was only one health facility per 10,000 inhabitants, and an estimated 72 percent of the population lived more than three miles from the closest clinic. Many of these facilities were not capable of providing specialized care, and there were not enough qualified doctors, nurses, or midwives to treat survivors of sexual violence.

Discrimination: While the transitional constitution provides for gender equality and equal rights for women, including in labor markets and property inheritance, deep cultural prejudices resulted in widespread discrimination against women. High illiteracy rates also impeded women's ability to understand and defend their rights. Communities often followed customary laws and traditional practices that discriminated against women. For example, authorities arrested and detained women for adultery.

Despite statutory law to the contrary, under customary law a divorce is not final until the wife and her family return the full dowry to the husband's family. As a result families often dissuaded women from divorce. Traditional courts usually ruled in favor of the husband's family in most cases of child custody unless

children were between ages three and seven.

Women also experienced discrimination in employment, pay, credit, education, inheritance, housing, and ownership and management of businesses or land. Although women have the right to own property and land under the transitional constitution, community elders often sought to prevent women from exercising these rights because they contravened customary practice.

Systemic Racial or Ethnic Violence and Discrimination

Interethnic fighting and violence by government, opposition forces, and armed militias affiliated with the government and the opposition targeting specific ethnic groups resulted in human rights abuses (see section 1.g.). The country has at least 60 ethnic groups and a long history of interethnic conflict. Ethnic groups were broadly categorized into the Nilotic (Dinka, Nuer, and Shilluk ethnic groups), Nilo-Hamitic, and Southwestern Sudanic groups. For some ethnic groups, cattle represented wealth and status. Competition for resources to maintain large cattle herds often resulted in conflict. Long-standing grievances regarding perceived or actual inequitable treatment and distribution of resources and political exclusion contributed to conflict.

Discrimination in employment based on ethnic groups was widespread (see section 7.d.).

Interethnic clashes occurred throughout the year. Insecurity, inflammatory rhetoric, including hate speech, and discriminatory government policies led to a heightened sense of tribal identity, exacerbating interethnic differences. In June violence broke out in Tambura County, Western Equatoria State, between Balanda and Zande armed youth groups. Between June and November, more than 80,000 persons were displaced and at least 200 killed in ethnically targeted violence between members of Balanda and Zande communities and associated armed groups. Reports included incidents of extrajudicial killings by armed groups, indiscriminate killing of civilians using machetes and small arms, forcible recruitment of men and boys to join militias, ethnically targeted violence, gender-based violence including the killing of at least three pregnant women, and hundreds of buildings burned. There were credible reports that some homes were

burned with civilians inside. On June 19, the government launched an action plan for the armed forces on addressing conflict-related sexual violence. On November 2, leaders of the two ethnic groups and government security forces representatives signed a ceasefire document. By mid-November some of the armed groups were moved outside of the conflict area.

Children

Birth Registration: Citizenship is derived through birth if a person has any South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic communities. Individuals may also derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship. The government did not register all births immediately.

Education: The transitional constitution and the 2012 Education Act provide for tuition-free, compulsory, basic education through grade eight. Armed conflict and violence, however, were key factors preventing children from attending school. UNICEF estimated nearly 2.8 million of the country's children were not attending school, in addition to two million students out of school due to COVID-19. The expansion of conflict across the country resulted in the displacement of many households making it difficult for children to attend school and for schools to remain in operation. Government, SPLA-IO forces, and militias associated with both looted and occupied schools. Teachers also routinely went months without payment. Girls often did not have equal access to education. Many girls did not attend school or dropped out of school due to early and forced child marriage, domestic duties, and fear of gender-based violence at school.

Child Abuse: Abuse of children included physical violence, abduction, and harmful traditional practices such as "girl compensation" (see section 6, Women, Other Harmful Traditional Practices). Child abuse, including sexual abuse, was reportedly widespread. Child rape occurred frequently in the context of child, early, and forced marriage, and armed groups also perpetrated it. Authorities seldom prosecuted child rape due to fear among victims and their families of stigmatization and retaliation. Child abduction also was a problem. Rural communities often abducted women and children during cattle raids (see section

1.g., Abductions).

Child, Early, and Forced Marriage: The law provides that every child has the right to protection from early marriage but does not explicitly prohibit marriage before age 18. Child marriage remained common. According to the Ministry of Gender, Children, and Social Welfare, nearly half of all girls and young women between ages 15 and 19 were married, and some brides were as young as 12. According to UNICEF, 9 percent of girls were married by age 15 and 52 percent by age 18. Early marriage sometimes reflected efforts by men to avoid rape charges, which a married woman may not file against her husband. In other cases families of rape victims encouraged marriage to the rapist to avoid public shaming. Many abducted girls were often repeatedly subjected to rape (see section 1.g.) or forced into marriage.

Sexual Exploitation of Children: The law designates 18 as the minimum age for consensual sex, although commercial sexual exploitation of children occurred. The law criminalizes buying or selling a child for the purpose of prostitution and prescribed a punishment of up to 14 years' imprisonment and a fine. The law also criminalizes the procurement of a child for prostitution and the facilitation of the prostitution of a child by the child's parent or guardian and prescribed penalties of up to 10 years' imprisonment and a fine. Child sex trafficking occurred, particularly in urban areas.

Displaced Children: During the year intercommunal and political violence displaced numerous children, both as refugees and IDPs (see sections 1.g., 2.e., and 2.f.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There are no official figures regarding the number of Jewish persons in the

country. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other government services. NGOs reported community and family members routinely subjected persons with disabilities to discrimination. The government did not enact or implement programs to provide access to buildings, information, or communications public services. The transitional constitution and the law stipulate that primary education be provided to children with disabilities without discrimination. Very few teachers, however, were trained to address the needs of children with disabilities, and very few schools were able to provide a safe, accessible learning environment for children with disabilities. There were no legal restrictions on the right of persons with disabilities to vote and otherwise participate in civic affairs, although lack of physical accessibility constituted a barrier to effective participation. There were no mental-health hospitals or institutions, and persons with mental disabilities were often held in prisons. Limited mental-health services were available at Juba Teaching Hospital. There were no official statistics on the number of persons with physical or mental disabilities.

There were no reports of police or other government officials inciting, perpetuating, or condoning violence against persons with disabilities, or of official action taken to investigate or punish those responsible for violence against persons with disabilities. Awareness of disability matters was low, negative social attitudes prevailed, and persons with disabilities had limited access to services and employment.

Persons with disabilities also faced disproportional hardship under conditions of

crisis-level food insecurity and continuing violence. Human Rights Watch reported persons with disabilities were often victimized by both government and opposition forces. Persons with disabilities faced difficulty fleeing areas under attack and accessing humanitarian assistance in displacement camps. Since 2013 an unknown number of civilians experienced maiming, amputation, sight and hearing impairment, and trauma.

HIV and AIDS Social Stigma

While there were no reports filed regarding discrimination against persons with HIV and AIDS, discrimination was widely believed to be both pervasive and socially acceptable. Key groups especially vulnerable to stigma and discrimination included commercial sex workers and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. This stigma often presented a barrier to seeking and receiving services for the prevention, diagnosis, and treatment of HIV and AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes same-sex sexual conduct. The law prohibits “unnatural offenses,” defined as “carnal intercourse against the order of nature,” which are punishable if convicted by up to 10 years’ imprisonment if consensual and up to 14 years if nonconsensual. There were no reports authorities enforced the law. The law also criminalizes “any male person who dresses or is attired in the fashion of a woman” in public, with a punishment of up to three months’ imprisonment if convicted.

There were reports of incidents of discrimination and abuse. LGBTQI+ persons reported security forces routinely harassed and sometimes arrested, detained, tortured, and beat them. Because of actively hostile government rhetoric and actions, most openly LGBTQI+ citizens fled the country.

Other Societal Violence and Discrimination

Historical clashes between cattle keepers and agrarian persons, and between cattle keepers and persons attempting to raid and steal their herds, intensified during the

year. The level, scale, and sophistication of these attacks were significantly higher when compared with past conflicts. Hundreds of individuals were killed and injured, and thousands were forced to flee their homes.

Civilian casualties and forced displacements occurred in many parts of the country when raiders stole cattle, which define power and wealth in many traditional communities. Land disputes often erupted when stolen cattle were moved into other areas, also causing civilian casualties and displacement. The SSPDF, NSS, and police sometimes engaged in revenge killings both between and within ethnic groups.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of every employee to form and join unions, bargain collectively, and strike with restrictions. The law prohibits antiunion discrimination. The law excludes from these protections military and police but also includes a broader list of civil service occupations, including prison service, fire service and wildlife forces, than the international standard. While labor courts adjudicate labor disputes, the minister of labor may refer them to compulsory arbitration.

The law provides a regulatory framework to govern worker trade unions. The largest union, the South Sudan Workers' Trade Union Federation, had approximately 65,000 members, working mainly in the public sector. Unions were nominally independent of the governing political party, but there were reports of government interference in labor union activities.

The government has failed to disseminate and enforce labor laws. Hyperinflation and devaluation of the South Sudanese pound led to a series of strikes because workers reported they could no longer live off their salaries. In June oil workers went on strike to demand wage increases and other protections. South Sudanese employees at foreign companies and airport workers also went on strike, demanding better pay or demanding to be paid in U.S. dollars rather than local

currency.

In August truck driver associations whose members operated along the Juba-Nimule Road announced a strike due to increased insecurity and armed assaults resulting in driver deaths. Neither the government nor nongovernment militias accepted responsibility for the deaths. The truck drivers ended their two-week strike after the government increased security forces patrolling along the road.

The government did not effectively enforce the law. Administrative and judicial procedures were subject to lengthy delays and appeals, and penalties were not commensurate with those for other laws involving denials of civil rights.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, with exceptions for compulsory military or community service, or because of a criminal conviction. Although penalties exist, they were not commensurate with those for other serious crimes, and lack of enforcement rendered them ineffective at deterring violations. The government did not investigate or prosecute any trafficking or forced-labor offenses. Forced labor occurred in domestic work, in agricultural labor on family farms, and at cattle camps. Most of those in situations of forced labor in cattle camps and agricultural activities were victimized by their own family members. Employers subjected women, migrants, and children (see section 7.c.) to forced labor in mines, restaurants, street begging, criminal activities, and sexual exploitation.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for paid employment is 12 for "light work" and 18 for "hazardous work." The law defines light work as work that does not harm the health or development of a child and does not affect the child's school attendance or capacity to benefit from such. The law provides that the government may issue regulations prescribing limitations on working hours and occupational safety and health restrictions for children, but the

government has never issued these regulations.

The government did not enforce child labor laws, and penalties were not commensurate with those for analogous serious crimes. The National Steering Committee on Child Labor, led by the Ministry of Labor, was charged with coordinating efforts across government ministries to combat child labor; it did not convene during the year. In addition to the Ministry of Labor, the committee included representatives from the Ministries of Agriculture and Forestry; Health; Gender; General Education; Culture, Youth, and Sports; Animal Resources and Fisheries; and Wildlife Conservation and Tourism, as well as the International Labor Organization (ILO), and union representatives.

None of the Ministry of Labor's 14 labor investigators was specifically trained to address child labor. Although charged with removing children engaged in work, the investigators did not have the necessary resources and did not conduct proper investigations. Of children between ages 10 and 14, more than 45 percent were engaged in some form of child labor, largely in cattle herding, firewood gathering, or subsistence farming with family members. The COVID-19 pandemic further exacerbated the prevalence of child labor. Forced child labor occurred in brickmaking, cattle herding, gold mining, and market vending. Child labor was also prevalent in construction, domestic work, street work, and commercial sexual exploitation (see section 6, Children). Girls removed from brothels in Juba reported that police provided security for the brothels, and SSPDF soldiers and government officials frequently exploited girls in sex trafficking. State and nonstate armed groups forcibly recruited and used children in armed conflict (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment or occupation based on race, tribe or place of origin, national extraction, color, sex (including

pregnancy), marital status, family responsibilities, religion, political opinion, disability, age, HIV/AIDS status, or membership or participation in a trade union. It does not prohibit discrimination based on sexual orientation or gender identity.

Discrimination occurred on all the bases listed above. Discrimination in employment and occupation led to less hiring of ethnic groups such as the Murle, who were underrepresented in both the public and private sectors. Dinka and Nuer occupied most leadership positions within the national government. Due to Juba's location, Equatorians were historically overrepresented in the national civil service at lower ranks. Across the country local authorities often manipulated the hiring practices of NGOs to favor fellow tribesmen and fire rivals. Youth groups demanded that humanitarian organizations reassign jobs from existing national staff to local persons. When demands were not met, the youth insisted activities be suspended, threatened violence, or attacked aid workers and assets. For example, on April 24, a group of armed youth attacked a humanitarian compound in Jamjang in Ruweng Administrative Area after they demanded the termination of four nonlocal staff and their relocation back to Juba. Persons with disabilities faced discrimination in hiring and access to work sites.

Women had fewer economic opportunities due to employer discrimination and traditional practices. The law prohibits women's employment in underground, underwater, or extremely hot conditions as well as any other occupations "hazardous, arduous, or harmful to their health." Women were sometimes fired from work once they became pregnant. The government did not effectively enforce the law, and penalties, when applied, were not commensurate with other laws related to civil rights.

e. Acceptable Conditions of Work

Wage and Hour: The law specifies the Ministry of Labor may establish and publish a minimum wage, or wages, for different categories of employees. There was no public information that this occurred. The law specifies normal working hours should not exceed eight hours per day and 40 hours per week and should provide premium pay for overtime.

The government neither investigated nor prosecuted wage and hour violations

commensurate with those for similar crimes. Eight employees served as both labor inspectors and adjudicators of work permits, which was not sufficient to enforce compliance. From January to March 2020, inspectors conducted approximately three inspections per week but stopped due to the COVID-19 pandemic. Inspectors have the authority to make unannounced inspections and initiate sanctions.

Occupational Safety and Health: There are no occupational safety and health standards. Workers cannot remove themselves from situations that endanger their health or safety without jeopardy to their employment. The Ministry of Labor has an Occupational Safety Branch, which consists of an office director and no staff.

A civil service provisional order applies to the public sector and outlines the rights and obligations of public-sector workers, including benefits, salaries, and overtime. The law provides the Ministry of Labor, Public Service, and Human Resources with authority to issue the schedule of salary rates, according to which all civil servants, officials, and employees are to be paid. This pay scale had not been adjusted for several years, and due to rapid depreciation of the South Sudanese pound, most civil servants did not receive enough income to support themselves, even when their salaries were delivered on time and in full, which was infrequent. Under the law only unskilled workers are eligible for overtime pay for work more than 40 hours per week. Civil servants, officials, and employees working at higher pay grades were expected to work necessary hours beyond the standard workweek without overtime pay. When exceptional additional hours were demanded, the department head could grant time off in lieu of reimbursement.

The government did not enforce the law. In January 2020 the government acknowledged the problem of pollution in oil-producing areas but made little effort to mitigate the serious health risks to affected populations. Accidents were most prevalent in artisanal mining and construction. Widespread oil spillage and other chemical pollution, including arsenic and lead, near oil production facilities negatively affected the health of workers and others who lived nearby.

In April local media reported the death of a 35-year-old woman after delivering a stillborn child with severe birth defects in the oil-producing Ruweng

Administrative Area.

Informal Sector: According to the 2008 census, the latest data on working conditions available, 84 percent of those employed were in nonwage work. Most small businesses operated in the informal economy and widely ignored labor laws and regulations. According to the ILO, less than 12 percent of workers were in the formal sector. Most workers in the country were agricultural workers, of whom approximately 70 percent were agropastoralists and 30 percent farmers. Of agricultural workers, 53 percent engaged in unpaid subsistence family farming.